

MINUTES

UTAH MARRIAGE AND FAMILY THERAPY LICENSING BOARD MEETING

December 8, 2006

Room 475 (formerly 4B) – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:10 A.M.

ADJOURNED: 12:45 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Jean N. Soderquist, PhD
Karen Feinauer
James M. Harper, PhD, Chairperson
Lanae Valentine, PhD
Richard Nielsen, PhD

Guests:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the September 15, 2006 Minutes.

Dr. Nielsen made a motion to approve the minutes as read. Dr. Valentine seconded the motion. **The Board vote was unanimous.**

Read and approve the October 5, 2006 Emergency Meeting Minutes.

Dr. Nielsen made a motion to approve the minutes as read. Dr. Valentine seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Further Discussion regarding Telephonic Therapy, Review the information from Dr. Thorana Nelson

Ms. Taxin read Dr. Thorana Nelson's e-mail regarding the Utah Division of the American Association for Marriage and Family Therapy website posting Frequently Asked Questions and the answers to the questions.

She stated that she understood from the last meeting

that Dr. Thorana Nelson was also going to provide a list of Utah approved supervisors and the website where the list would be retained.

Ms. Taxin stated that Dr. Nelson apologized in her e-mail for any misunderstanding at the last meeting and, as the list changes frequently, she would be unable to maintain a list. Ms. Taxin explained that Dr. Nelson recommended the FAQ's link be included on the DOPL website and the Utah Association website.

Ms. Taxin stated that she will contact Dr. Nelson regarding correct answers to the Frequently Asked Questions.

Board members responded that they also understood that Dr. Nelson would provide and maintain a current list of supervisors. Board members stated that they understood the difficulty in maintaining a list based on the frequency of changes.

The Board recommended there be no FAQ list due to the potential problems with consistency in answers. The Board recommended questions regarding Laws, Rules and licensure be referred to the Division.

APPOINTMENTS:

10:00 A.M.

Suzanne Dastrup, Probationary Interview

Dr. Dastrup met for her probationary interview.

Dr. Harper conducted the interview.

Dr. Harper stated that the Board hoped this meeting would be a productive meeting and requested the conversation remain with Dr. Dastrup's probationary issues.

Dr. Dastrup responded that she appreciated the last meeting. She stated that she wrote notes at the last meeting.

Dr. Dastrup stated that her supervisor, Dr. Veon Smith, gave her a newsletter called Insight, which is published by an insurance company. She distributed a

copy of the newsletter to Board members and then read "Complaints from patients with borderline disorders are fairly common and are especially dangerous for the psychologist because people with such conditions can be high-functioning individual who present very well in front of boards. They actually believe the distortions they present to the boards, making them quite credible." Dr. Dastrup stated that she and Dr. Smith have discussed this paragraph. She stated that, if the Board is interested in public safety, they need to be aware that they need to protect the professionals and the clients.

Dr. Harper asked what Dr. Dastrup is learning in her supervision under Dr. Veon Smith.

Dr. Dastrup responded that she has learned about boundaries and about her written notes for her files. She stated that she never had any training in how to complete her notes and now that she has had some training she is implementing that training in her case notes.

Dr. Harper stated that Dr. Smith's report reflected he randomly reviewed 2 files and neither file had current case notes included.

Dr. Dastrup responded that she is trying to complete the notes weekly and trying to work up to completing them on a daily basis. She stated that she is not there yet, but is working on her goal.

Ms. Taxin suggested to Dr. Dastrup that she could dictate the notes onto a recorder and place the recording in the file. Ms. Taxin stated that a transcription and the original tape could be included in the file. She also stated that Dr. Dastrup might consider having one less appointment per day and use that time to write the case notes.

Dr. Harper stated that a month is too long a period of time for Dr. Dastrup to complete the case notes.

Dr. Dastrup again stated that her goal is to complete the case notes each day.

Dr. Harper recommended Dr. Dastrup discuss with Dr. Smith more efficient ways to speed up the writing of the case notes.

Dr. Dastrup responded that she and Dr. Smith discuss the writing of the notes.

Dr. Harper stated that the Board was hoping that she and Dr. Smith would have open discussions.

Dr. Nielsen asked how Dr. Dastrup is feeling about Dr. Smith as her supervisor.

Dr. Dastrup responded that Dr. Smith is very thorough, strict and nurturing but very firm with her.

Ms. Taxin stated that she and Board are hopeful that Dr. Dastrup will now be able to move forward. She stated that it sounds like Dr. Dastrup is now more on track and that is good for her practice.

Dr. Harper stated that the Board tries to have all the probationers move forward early in their probation. He asked if Dr. Dastrup had any questions for the Board.

Dr. Dastrup responded that Ms. Taxin probably shared with the Board the letter she wrote as her own legal counsel to Ron Kunzler, AG.

Ms. Taxin stated that she did not talk with the Board regarding the letter to Ron Kunzler.

Dr. Dastrup explained that she wrote a letter to Ron Kunzler as her own legal counsel regarding the inaccuracies in her original Stipulation and Order in the Finding of Facts area. Dr. Dastrup distributed a copy of her case notes to document that she had terminated that particular case. She stated that she is going to stop discussing the issue in the Board meetings but gave the information to the Board as she was informed that the Board is the only group with the power to make the change in the area of the Findings of Fact. She stated that the incorrect information hurts her as a practitioner.

Dr. Harper responded that Dr. Dastrup returns to

the facts of the Hearing at each meeting with the Board. He recommended that Dr. Dastrup move forward as the Board does not have the authority to rehear the case and make changes.

Ms. Taxin also stated that the Board cannot change the facts of the Hearing. She stated that Dr. Dastrup should obtain her own legal counsel to request another hearing to change the Finding of Facts. Ms. Taxin stated that Ron Kunzler, AG, had written to Dr. Dastrup and instructed her to discuss the issue with the Board. Ms. Taxin explained that neither she nor the Board have the authority to make the change as there would have to be another Hearing for the Board to hear the facts again and to make a recommendation to change the facts or leave them as written.

Dr. Dastrup stated she felt that the Findings of Fact were not accurate.

Ms. Taxin then stated she would like to verify with Dr. Dastrup if she is questioning the diagnosis as her case notes on the client indicate she had written unknown.

Dr. Dastrup responded that she is questioning the diagnosis. Dr. Dastrup stated that she diagnosed the patient which the Finding of Facts did not reflect. She stated that she will drop the issue.

Dr. Harper commented that there is nothing in the facts that would change Dr. Dastrup's probation and how the Board works with Dr. Dastrup and her probation. Dr. Harper stated that the Board did not doubt her diagnosis of the client but that her notes did not reflect her diagnosis. He stated that he hears Dr. Dastrup saying in each probationary interview that the public record should be changed and Ms. Taxin has made a recommendation regarding the procedure Dr. Dastrup should take to change the Finding of Facts.

Dr. Dastrup responded that she has discussed the issue with the BYU School of Law and they informed her that the Board has the authority to make the change.

Dr. Harper again stated that Dr. Dastrup has been given the information regarding how to change the Finding of Facts if she chooses to pursue the issue.

Dr. Dastrup responded that she tried the legal avenue but was a day late in submitting her request for Agency Review.

Ms. Taxin stated that she understands Dr. Dastrup's frustration but the legal process is very strict on deadline dates and Dr. Dastrup did miss the deadline. She stated that the guidelines are set by the Legislature and not the Board. Ms. Taxin explained that Ron Kunzler, AG, is the legal counsel for the Division and Dr. Dastrup needs her own legal counsel to represent her and to work with the legal system regarding any changes.

Ms. Taxin stated that Dr. Dastrup is now doing well in her supervision and probation and the Board wants her to be successful in her probation.

An appointment was made for Dr. Dastrup to meet again March 9, 2007.

10:30 A.M.

David Gardner, Probation Discussion

Dr. Gardner was unable to attend the meeting.

Ms. Taxin reminded the Board that Dr. Gardner's probation was discussed at the September 15, 2006 Board meeting and the Board recommended he be employed by this meeting or the Board would ask him to surrender his license. Ms. Taxin stated that she is hesitant in requesting Dr. Gardner to surrender his license as there are consequences.

Ms. Feinauer voiced her concerns regarding Dr. Gardner going back into practice after having been out of the profession for such a long period of time.

Ms. Taxin stated that she believes Dr. Gardner does not want to give up his license but may not really desire to go back into practice. She stated that a suspension would give him time to make some decisions regarding the license and practicing in the MFT field.

Ms. Taxin stated that Dr. Gardner's reactions and interviews indicate that he does not really want to work in MFT. She stated that she could present the offer of an indefinite suspension to Dr. Gardner and, should he decline the offer, the Board would then have to make some decisions regarding Dr. Gardner's license.

Ms. Taxin disclosed that Dr. Gardner had a positive UA test in November and this is the first positive test in 5 years for him.

The Board voiced concern regarding the positive test.

The Board recommended Ms. Taxin contact Dr. Gardner regarding a suspension of his license until he obtains employment in the MFT field.

11:00 A.M.

Roy Bean, MFT Intern, Discuss Education and Experience

Dr. Bean met with the Board.

Dr. Bean explained that, based on conversations with the Division staff, it seemed appropriate for him to meet with the Board to explain his situation. Dr. Bean stated that he does not meet the requirements to be licensed by endorsement as he does not have enough mental health therapy supervised hours. He explained that Ohio, where he worked for about 10 years, did not have licensure while he was living and working there. Dr. Bean stated that the hours he worked in Ohio were more peer consultation where he would discuss with his faculty the more difficult client issues.

Ms. Taxin explained that Dr. Bean does not fit the endorsement requirements nor does he fit the regular requirements for new licensure and will have to redo his 4000 supervised mental health therapy hours. She stated that Dr. Bean is requesting the Board to consider counting some of his previous hours.

Dr. Harper asked Dr. Bean if his internship in the Doctorate program was a 500 hour program.

Dr. Bean responded that it was a 500 hour program.

Ms. Taxin asked Dr. Bean how many hours he has been able to count since he was licensed in Utah as an MFT Intern on September 28, 2006.

Dr. Bean responded that he is a full time professor at BYU and does Marriage and Family Therapy part time and has only 7 hours toward the 4000 hour requirement.

Ms. Taxin asked Dr. Bean if he has changed his answer machine message.

Dr. Bean responded that the message has been changed and now says Marriage and Family Therapy Intern.

He stated that he has some supervisors that could attest to his abilities and could sign off on some of the required hours.

Mr. Jackson, Division Director, stated that many licensees have had similar difficulties. Mr. Jackson recommended the Board review the Division umbrella act, 58-1, to see if there is anything that would apply for Mr. Bean.

Dr. Harper stated that the Board made an exception on the required 4000 hours of mental health therapy for one applicant but have not made exceptions for anyone else. He stated that the endorsement requirements have been a problem for the MFT Board but the requirements of the Law have to be changed by the Legislature and cannot be changed by Rule.

Dr. Harper asked Dr. Bean what the Texas Board accepted to issue the Texas MFT license.

Dr. Bean responded that he did not fit into their licensing requirements but they counted his hours as a professor to meet the experience requirements.

Dr. Harper asked if Texas approved the 20 hours as a professor in order to issue a license for Dr. Bean to work in Texas.

Dr. Bean responded that Dr. Harper was correct.

Dr. Soderquist commented that Dr. Bean is licensed in another State that has documented he met the AAMFT requirements of supervision.

Ms. Taxin commented that Dr. Bean has had AAMFT approved supervisors during his Ohio and Texas experience and is currently being supervised by an AAMFT approved supervisor would indicate that he is competent. She asked why we would consequence Dr. Bean if he is considered competent and capable to perform. Ms. Taxin stated that she would not be comfortable issuing the MFT license but believes the Board should review each person individually and consider the number of hours that would be appropriate from the applicants past experience.

The Board concurred.

Dr. Soderquist responded that she supervised Dr. Bean when he was a student and he was a competent student.

Dr. Harper responded that he knows all of the supervisors Dr. Bean listed and has confidence that Dr. Bean received quality supervision.

Dr. Nielsen responded that Dr. Bean has many hours under qualified AAMFT supervisors and it requires a high standard of competence to have the supervisors attest to Dr. Bean's ability.

Dr. Soderquist stated that the first two years of Dr. Bean's doctorate program were in Utah and he was qualified for licensure at that time. Dr. Soderquist determined Dr. Bean completed the first 1000 hours while in the Doctorate program and now has acquired an additional 7 hours. She stated that most of the supervised hours in Doctorate program would be live supervised hours and not mirror supervised hours.

Dr. Harper stated that he has been a supervisor for students and has taught most of the clinical MFT courses. He stated that he is sure Dr. Bean has

completed the requirements for licensure through the supervision, licensure in Texas and being supervised in the PhD MFT program.

Dr. Soderquist made a motion for Dr. Bean's supervisor, Leslie Feinhauer, to submit a letter stating that she has reviewed Dr. Bean's competencies to practice as a Marriage and Family Therapist and Dr. Bean has demonstrated he is able to meet and maintain current standards of the Marriage and Family Therapy profession and, upon receiving the confirmation letter from Dr. Feinhauer, issue the MFT license to Dr. Bean.

Dr. Valentine seconded the motion.

During discussion, Dr. Nielsen stated that he would be more comfortable approving the motion if there were also verifications from Dr. Bean's Texas supervisors.

Dr. Soderquist revised the motion to include the requirement of Dr. Bean submitting verification forms from 3 previous supervisors, a letter from Texas Tech verifying Dr. Bean's employment at Texas Tech, a verification of hours from the current supervisor, Leslie Feinhauer and a letter from Dr. Feinhauer outlining Dr. Bean's strengths and weaknesses and a recommendation and issue the MFT license if all documentation is in order and appropriate for licensure.

Dr. Nielsen seconded the motion.

The Board vote was unanimous.

APPLICATIONS:

Rachael McKay, Requested previous experience be Reviewed and Accepted

Ms. Taxin explained that Ms. McKay is requesting the Board to review and consider hours she accrued in California toward the Utah requirement of 4000 supervised mental health therapy hours. Ms. Taxin stated that Ms. McKay accumulated 1523 hours in California.

Cheryl Rudy, Division licensing specialist, commented that Ms. McKay is only working part time

and may have about 1000 hours obtained in Utah since receiving the Utah license. She explained that part of the California hours were obtained under a licensed MFT supervisor, part were under an LCSW supervisor and part were obtain in the California school system.

Dr. Harper responded that California does not require any supervision training for their supervisors which is a concern to him.

The Board reviewed Ms. McKay's supervision hours and determined that 778 hours will count toward the required 1000 hours in mental health therapy and 1523 will count toward the other 3000 hours. The Board determined Ms. McKay is lacking 222 hours of the required 1000 hours in mental health therapy and 1477 hours of the required 3000 other hours for the total 4000 required supervised hours.

Brennan Peterson, Requested previous experience be Reviewed and Accepted for MFT Licensure

Ms. Taxin read Dr. Peterson's letter requesting the Board to consider previous experience hours for his Utah license in Marriage and Family Therapy.

The Board reviewed Dr. Peterson's experience and determined some hours should count toward the Utah requirement of 4000 total hours with 1000 hours in mental health therapy.

Following the review, Dr. Valentine made a motion to approve Dr. Peterson for the MFT Intern license, require Dr. Peterson to receive a minimum of 5 hours of supervision under a Utah AAMFT approved supervisor in session of not more than once a week over a period of not less than 5 weeks with the supervisor submitting a report regarding Dr. Peterson's competency to practice as a Marriage and Family Therapist as he has demonstrated he is able to meet and maintain current standards of the Marriage and Family Therapy profession and, upon receiving the confirmation letter from a Utah AAMFT approved supervisor, issue the MFT license to Dr. Peterson.

DISCUSSION ITEMS:

FYI

Craig Jackson, Division Director, notified the Board

that he will be retiring from the Division at the end of December 2006 and this will be the last meeting he will be attending with the Marriage and Family Therapy Licensing Board.

Board members expressed their thanks to Mr. Jackson for the way he has conducted the business of the Division while he has been with the Division.

FYI

Ms. Taxin distributed the most current application and asked the Board to take it with them for review to be sure it is correct and clear. She asked the Board to contact her if there are any changes that need to be made.

Review Rules

Ms. Taxin explained to the Board that the new Rules require the mental health therapists to obtain additional coursework in specific areas and then apply to be approved as a supervisor.

Dr. Harper commented that he believes the AAMFT approved supervisor should be granted MFT licensure as they have met the general education requirement, additional education to be a supervisor and supervision training. He asked Ms. Taxin if the change could be made by Rule.

Ms. Taxin reminded the Board of the discussion with Dr. Thorana Nelson at the last meeting. She stated that she was under the impression that Dr. Thorana Nelson agreed to provide a list of individuals in Utah who have completed the Utah State University supervisor's education program. Ms. Taxin stated that Dr. Thorana Nelson sent a list of FAQ's and answers for her and the Board to review but there was no approved supervisor list included. She explained that Ms. McCall e-mailed Dr. Thorana Nelson and asked for the Utah list of approved supervisors and Dr. Thorana Nelson responded that the list changes too frequently and would be too large a project to maintain.

Dr. Harper stated that there would be no need for a Utah list if R156-60b-302d(3) was taken out of the Rules as parts (1) and (2) require an approved AAMFT supervisor. He stated that verification of the AAMFT supervisor is available on the AAMFT

website.

Ms. Taxin suggested accepting any mental health therapist supervisor if they provide documentation of completing an approved supervisor program.

Dr. Harper responded that he would have to recuse himself for the discussion if the Board discusses accepting any mental health therapist as a supervisor if they provide documentation of completing an approved supervisor program as his wife would be affected by that change as she is a Licensed Clinical Social Worker.

Ms. Taxin stated that the Board could also recommend taking out that section and going back to the language that was previously in the Rules. She stated that the current Rule is beneficial to individuals from out of State.

Dr. Harper stated that transcripts will document courses taken and AAMFT issues a certificate when a person is approved by AAMFT as a supervisor.

Ms. Taxin recommended the Board take the Laws and Rules to review for further discussion at the next scheduled Board meeting.

She suggested the Board be sure they are not compromising the supervision of the MFT as they read and write suggestions for discussion. Ms. Taxin asked the Board to keep in mind that other States may not allow licensure to Utah licensees if they have been supervised by mental health therapists and not MFT's.

Dr. Harper asked if other mental health therapy professions have had difficulty with the endorsement requirements.

Ms. Taxin responded that there have been issues regarding licensees having dropped out of practice for illness, having a baby or some other legitimate reason and do meet the endorsement requirements. She stated that she and the other Boards review those applications on an individual basis and have tried to be fair with the applicants. Ms. Taxin suggested she talk with the

AG's office for an opinion regarding making a change in the endorsement requirements of the Law or if a Rule can be written to better define and clarify.

Dr. Nielsen asked if the problem in Utah is a geographical one where people are unable to locate MFT supervisors in the more rural areas.

Ms. Taxin responded that Dr. Nielsen is correct and other States must also have difficulty locating approved MFT supervisors or they would not use other mental health therapists.

Ms. Taxin asked if there is a good reason that other mental health therapists could not supervise. She stated that the CSW must be supervised by an LCSW and the Psychology Resident must be supervised by a Psychologist. Ms. Taxin stated that the Professional Counselor Intern may be supervised by any mental health therapist.

Dr. Harper responded that he would feel comfortable allowing other mental health therapists to supervise if the supervisee's education program was COAMFTE accredited. He stated that he would like to research how many other States allow other mental health therapist to be MFT supervisors.

Dr. Soderquist stated that if the supervisor had the COAMFTE accredited education program they would have the background and have met the standard to supervise. She stated that the supervision would be quality MFT oriented.

Ms. Taxin suggested the Board consider only AAMFT supervisors or mental health therapists who have completed the AAMFT supervisor's course.

Ms. Feinauer asked if Dr. Thorana Nelson's education program is AAMFT approved.

Board members responded that it is an AAMFT approved education program.

Rule Change

Ms. Taxin explained that the new Rules required the MFT Supervisor to complete specific education and

Annual Board Member Training

the hours were not correct for the semester hours and the quarter hours. She stated that she reviewed the Rules and corrected the semester hours and quarter hours requirements.

Board members thanked Ms. Taxin for making the corrections.

Ms. Taxin conducted the annual Board member training. She distributed information on the Open and Public Meeting Act and the Structure of Licensing Board.

Ms. Taxin stated that the MFT Board follows the parliamentary procedures well.

She covered the requirements to close a meeting and to re-open the meeting. Ms. Taxin stated that a quorum of the Board must be present to conduct Board business of motions.

Dr. Nielsen asked if Board member must physically be present or could they call in as part of the meeting.

Ms. Taxin stated that we can use the electronic telephone in case of an emergency but calling absent Board members for information is not appropriate.

Dr. Harper asked how he should handle individuals calling him directly for approval of applications.

Ms. Taxin responded that he should refer individuals to the Division and may refer individuals to the website for the application and Laws and Rules.

She covered the procedure for voting.

Dr. Harper asked if a formal recognition of each vote is necessary.

Ms. Taxin explained that the minutes would reflect the specific individual voting if there is a nay vote or someone who abstains from voting and the manner in which the MFT Board is currently conducting the motions and votes is acceptable.

Ms. Taxin reviewed the responsibilities and Division expectations of a Board member. She stated that the number one responsibility is for the Board to protect the public. Ms. Taxin requested the Board to act fairly and effectively and not be too quick to judge. She stated that the Board should put their personal biases aside and should not come to a Board meeting with personal agendas. She reminded Board members to be respectful of each other, the Division, any appointments and probationers. She requested the Board to be open to alternatives and be creative in each individual probationary circumstance.

Ms. Taxin requested Board members excuse themselves and leave the meeting if there is a personal conflict with a probationer. She reminded the Board that Board business should not be discussed outside a Board meeting.

Ms. Taxin recommended Board members read and understand the Laws and Rules. She suggested they be professional and act with integrity, keep confidentialities and be good role models.

The Board thanked Ms. Taxin for the review.

2007 Board Meeting Schedule

The Board noted the following dates for the 2007 Board meetings: March 9, June 1, September 14 and December 14, 2007.

NEXT MEETING SCHEDULED FOR:

March 9, 2007

MEETING ADJOURNED AT:

12:45 P.M.

Date Approved

Chairperson, Utah Marriage and Family Therapy
Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing